

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

**MAGISTRATE JUDGE'S SUPPLEMENTAL
REPORT AND RECOMMENDATION**

On May 13, 2011 the undersigned Magistrate Judge conducted the Initial Hearing regarding the Petition for Warrant for Offender Under Supervision filed on April 21, 2011. At the Initial Hearing the defendant admitted in open Court that he had violated the conditions of his supervised release as alleged in Violation Nos. 1-7 of the Petition. The Court then held disposition of the matter in abeyance for sixty (60) days and set a review hearing for July 22, 2011 to determine Mr. Moran's compliance with the terms of his supervised release.

On July 22, 2011, the defendant, Shaun D. Moran, appeared in person with his appointed counsel, Frank P. Campisano. The government appeared by Winfield Ong, Assistant United States Attorney, via telephone. U.S. Probation appeared by Shelly McKee, who participated in the proceedings.

The parties advised the Court they had reached an agreement as to a recommended disposition which they wished to submit to the Court. The parties stipulated the following in open Court:

- (a) As to Violation Numbers 1 through 7 of the Petition for Offender Under Supervision, the defendant admitted in open Court on May 13, 2011, that he had violated these conditions.
- (b) The parties, by agreement, stipulated that the defendant's supervised release would be modified to include an additional condition that Mr. Moran perform fifty (50) hours of community service within six (6) months.
- (c) All other previously imposed terms and conditions of Mr. Moran's supervised release will remain in effect.

The Magistrate Judge then informed the defendant and the parties' respective counsel that the Magistrate Judge would accept the parties' stipulations.

The Court, having heard the admission of the defendant in open Court on May 13, 2011, the stipulation of the parties and the arguments and discussions on behalf of each party, **NOW FINDS** that the defendant violated the conditions of his supervised release as set forth in Violation Numbers 1 through 7 of the Petition. The defendant's supervised release is hereby **MODIFIED** to include fifty (50) hours of community service to be completed within sixty (60) days. All other previously imposed terms and conditions of Mr. Moran's supervised release remain in effect.

The Magistrate Judge requests that Shelly McKee, U.S. Probation Officer, prepare for submission to the Honorable Richard L. Young, District Judge, as soon as practicable, a supervised release revocation judgment, in accordance with these findings of fact, conclusions of law and recommendation.

Counsel for the parties and Mr. Moran stipulated in open court waiver of the objection to the Report and Recommendation of the undersigned Magistrate Judge pursuant to Title 28

U.S.C. §636(b)(1)(B); Rule 72(b), *Federal Rules of Civil Procedure*, and S.D. Ind. L.R. 72.1

(d)(2), *Local Rules of the U.S. District Court for the Southern District of Indiana*.

Counsel for the parties and Mr. Moran entered the above stipulation and waiver after being notified by the undersigned Magistrate Judge that the District Court may refuse to accept the stipulations and waivers and conduct a revocation hearing pursuant to Title 18 U.S.C. §3561 *et seq.* and Rule 32.1 of the *Federal Rules of Criminal Procedure* and may reconsider the Magistrate Judge's Report and Recommendation, including making a *de novo* determination of any portion of the Report or specified proposed findings or recommendation upon which he may reconsider.

WHEREFORE, the U.S. Magistrate Judge **RECOMMENDS** the Court adopt the Report and Recommendation entered on May 17, 2011 and the above Supplemental Report and Recommendation modifying Mr. Moran's supervised release.

IT IS SO RECOMMENDED this 26th day of July, 2011.



Michael G. Naville, Magistrate Judge
United States District Court

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